

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA	)	
	)	
v.	)	No. 13-CR-10200-GAO
	)	
DZHOKHAR TSARNAEV	)	

**STATUS REPORT**

Defendant, Dzhokhar Tsarnaev, by and through counsel, and with the assent of the Government, hereby provides the following status report:

1. Pending Motions.

The parties have briefed the following motions:

- i. Defendant's Motion to Suppress Physical Evidence [Docket Entry ("DE") 297, 387, 388 (Defense "D"), DE 343, 350 (Government "G")]
- ii. Defendant's Motion to Suppress Electronically Stored Evidence [DE 303, 387, 388 (D), DE 343, 350 (G)]
- iii. Defendant's Motion to Change Venue [DE 376 (D), DE 405 (G), DE 417 (D), DE 418 (G), DE 430 (granting leave to reply); DE 461 (D)]. The government intends to request leave to file a response to the defendant's reply brief.
- iv. Defendant's Motion to Set Firewall Procedures [DE 427 (D), DE 448 (G)]
- v. Renewed Motion for Hearing to Address Leaks by Law Enforcement [DE 438 (D), DE 463 (G)]
- vi. Defendant's Motion to Compel the Government to Comply with Its Expert Disclosure Obligations and to Suspend Defendant's Expert Disclosure Deadline [DE 440 (D), DE 460 (Sealed Supplemental Motion to Compel the Government to Comply with its Expert Disclosure Obligations), DE 478 (D), DE 464 (G)]

- vii. Defendant's Motion for Clarification of Defense Pretrial Penalty-Phase Expert Disclosure Obligations [DE 442 (D), DE 462 (G), DE 474 (D)]
- viii. Defendant's Sealed Motion for Disclosure [DE 400, 404 (D), DE 446 (G)]
- ix. Defendant's Sealed Motion re Extension [DE 472, \_\_ (D), DE \_ (G)]

2. Evidentiary Hearings for Pending Motions.

The defense has requested evidentiary hearings on the Motions to Suppress Physical and Electronically Stored Evidence (*see* i and ii above),<sup>1</sup> the Renewed Motion Concerning Leaks (*see* ii, above), and the Motion to Change Venue (*see* iii). An evidentiary hearing on the Change of Venue motion is requested only if the government contests the facts contained in the recent Supplemental Filing by the defendant [DE 461].

3. Waltham/Todashev.

4. On April 25, 2014, the government provided an in camera submission to the Court. [DE 266]. The defense provided a supplemental filing regarding this issue on June 13, 2014. [DE 367]. The defense takes the position that the Court has not ruled on this matter [DE 255 (ordering in camera submission)]. The government's understanding is that the Court decided this matter when it denied defendant's second motion to compel. See Dkt. 254 (denying Dkt. 233).

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<sup>1</sup> Given the Government's position that it will not seek to introduce post-arrest statements except in rebuttal, the Court has deferred a hearing on the Motion to Suppress Statements to the time that it is necessary, if at all.

5. Discovery.

Since June 15, 2014, the defense has sent the government eight discovery letters requesting 31 different categories of information. Discovery productions continue, with the Government providing 15 CD/DVDs, 4 Blue Ray Discs, and two hard drives bates range DT-0062398 to DT-0065448 since the status conference on June 18. The defense requests that the Court set a deadline for the Government to respond to the outstanding requests, and permit the defense two weeks to file a discovery motion to address any issues that are not resolved by the parties. The government contends that the time for additional discovery requests has long since passed and that the Court therefore should set no deadlines for the government to respond. The government also requests that the Court enforce compliance with Local Rule 116.3(j)'s requirement that discovery requests made after automatic discovery be "prompted by information not known, or issues not reasonably foreseeable, to the moving party before the deadline for discovery motions, or that the delay in making the request was for other good cause, which the moving party must describe with particularity.

6. Scheduling.

The defendant will file a motion to continue the trial date by August 29, 2014. The government requests that the Court determine the date on which juror summonses will be mailed and that it set deadlines for the filing of proposed jury questionnaires,

proposed voir dire, and proposed jury instructions.

Respectfully submitted,

DZHOKHAR TSARNAEV  
by his attorneys

/s/ *Judy Clarke*

David I. Bruck, Esq.

Judy Clarke, Esq.

Miriam Conrad, Esq.

Timothy Watkins, Esq.

William Fick, Esq.

CARMEN M. ORTIZ  
United States Attorney

/s/ *William Weinreb*

William D. Weinreb

Aloke S. Chakravarty

Nadine Pelligrini

Assistant U.S. Attorney

U. S. Attorney's Office

John Joseph Moakley

United States Courthouse

1 Courthouse Way, Suite 9200

Boston, MA 02210

**Certificate of Service**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on August 13, 2014.

/s/ *Judy Clarke*